

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re

AN GLOBAL, LLC, et al.,¹

Debtors.

Chapter 11

Case No. 23-11294 (JKS)

(Jointly Administered)

Related Docket Nos 103, 164, 165, 179

**MOTION OF CREDIT SUISSE MEXICO CREDIT OPPORTUNITIES FUND FOR
LEAVE TO FILE AND SERVE CREDIT SUISSE MEXICO CREDIT OPPORTUNITIES
FUND'S REPLY IN SUPPORT OF RESERVATION OF RIGHTS WITH RESPECT TO
ENTRY OF FINAL DIP ORDER**

Credit Suisse Mexico Credit Opportunities Fund (“Credit Suisse Mexico”)², by and through their undersigned counsel, hereby moves (the “Motion”) for entry of an order, substantially in the form attached hereto as Exhibit A (the “Proposed Order”), granting Credit Suisse Mexico leave to file a reply (the “Reply”) to the *Response of Debtors to Credit Suisse Mexico Credit Opportunities Fund's Reservation of Rights with Respect to Entry of Final DIP Order* [Docket No. 164] and the related joinders filed by Blue Torch [Docket No. 165] and the Creditors' Committee [Docket No. 179] (collectively the “Responses”) to *Credit Suisse Mexico Credit Opportunities Fund's Reservation of Rights with Respect to Entry of Final DIP Order* [Docket No. 103] (the “Reservation of Rights”). The Reply is attached to as Exhibit B. In support of this Motion, Credit Suisse Mexico respectfully represents as follows:

¹ A complete list of the Reorganized Debtors in these chapter 11 cases may be obtained on the website of the Debtors' claims and noticing agent at <http://kroll.com/AgileThought>. The Debtors' address is 222 W. Las Colinas Boulevard, Suite 1650E, Irving, TX 75039.

² “Credit Suisse Mexico Credit Opportunities Fund” is the commercial name of the trust established pursuant to that certain Irrevocable Trust Agreement F/179122 entered into among, *inter alia*, Banco Credit Suisse (México), S.A., Institución de Banca Múltiple, Grupo Financiero Credit Suisse (México) as Settlor, Manager and Second Place Beneficiary and Banco Nacional de México, S.A. integrante del Grupo Financiero Banamex, División Fiduciaria as trustee. Credit Suisse Mexico Credit Opportunities Fund is the beneficiary of the two trusts that are the record holders of the Prepetition 2L Loans and signatories to the Prepetition 2L Credit Agreement.

JURISDICTION AND VENUE

1. The United States Bankruptcy Court for the District of Delaware (the “Court”) has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference from the United States District Court for the District of Delaware*, dated February 29, 2012. This matter is a core proceeding under 28 U.S.C. § 157(b)(2). Venue of these proceedings and the Motion in this Court is proper under 28 U.S.C. §§ 1408 and 1409.

2. The bases for the relief requested herein is section 105(a) of title 11 of the United States Code, 11 U.S.C. § 101, *et seq.* (the “Bankruptcy Code”), and Local Rule 9006-1(d).

BACKGROUND

3. On August 28, 2023 (the “Petition Date”), the Debtors filed voluntary petitions with the United States Bankruptcy Court for the District of Delaware under Chapter 11 of the Bankruptcy Code thereby commencing these Chapter 11 Cases. The Debtors are authorized to continue to operate and manage their businesses and assets as a debtor-in-possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. On the Petition Date, the Debtors filed the DIP Motion.

4. The deadline to file responses to entry of a final order approving the DIP Motion was set as September 15, 2023 at 4:00 p.m. (Eastern Time). Credit Suisse Mexico filed the Reservation of Rights in advance of this deadline.

5. Because the hearing on the DIP Motion is scheduled for October 5, 2023, under the Local Rules, responsive pleadings were due October 2, 2023 at 4:00 p.m. (Eastern Time). The Debtor Response and the Blue Torch Joinder were each filed after 11:00 p.m. (Eastern Time) on October 2, 2023. The Committee’s Joinder was filed on October 3, 2023. No Response was accompanied by a request for leave to file a late reply.

RELIEF REQUESTED

6. Credit Suisse Mexico respectfully requests entry of the Proposed Order granting Credit Suisse Mexico leave to file a Reply to the Responses and such Reply will be deemed timely filed.

BASIS FOR RELIEF REQUESTED

7. Pursuant to Local Rule 9006-1(d), “[r]eply papers by the movant, or any party that has joined the movant, may be filed by 4:00 p.m. prevailing Eastern Time the day prior to the deadline for filing the agenda.” Del. Bankr. L.R. 9006-1(d).

8. Here, cause exists to allow the filing of the Reply and to deem such Reply timely filed. Responses to the DIP Motion were originally due on or before September 15, 2023 at 4:00 p.m. (Eastern Time). Credit Suisse Mexico timely filed its initial Reservation of Rights prior to this deadline. The Responses were each filed beginning at 11:00 p.m. (Eastern Time) on October 2, 2023 (after the time at which responsive pleadings were due under Local Rule 9006-1(d)), notwithstanding the fact that Credit Suisse Mexico’s Reservation of Rights had been on file since September 15, 2023. The Responses raised certain substantive issues for the first time. Accordingly, Credit Suisse Mexico submits that the relief requested herein is reasonable under the circumstances and should be approved.

NOTICE

9. Notice of this Motion will be given to the following parties, or to their counsel: (a) the Debtor; (b) the Office of the United States Trustee for the District of Delaware; (c) counsel to Blue Torch Finance LLC; (d) counsel to the Official Committee of Unsecured Creditors; (e) any party that has requested notice pursuant to Bankruptcy Rule 2002; and (f) all parties whose rights are affected by this Motion. In light of the nature of the relief requested, Credit Suisse Mexico respectfully submits that no further notice is necessary.

NO PRIOR REQUEST

10. No previous request for the relief sought herein has been made to this Court or any other court.

WHEREFORE, Credit Suisse Mexico respectfully requests entry of an order, substantially in the form attached hereto as Exhibit A, granting the relief requested in the Motion and such other relief as may be appropriate.

Dated: Wilmington, Delaware
October 4, 2023

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

/s/ Joseph O. Larkin

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